Supreme Court, U. S.
FILED
MAY 29 1975
MICHAEL RODAK, JR., CLERK

In the

SUPREME COURT of the UNITED STATES
MAY TERM, 1975

No. 74-1198

ROSEMARY WILLIAMS

v.

COUNTY JUDGE W. L. (Lew) STERRETT

On Petition for a Writ of Certiorari from the United States Court of Appeals for the Fifth Circuit

ROSEMARY WILLIAMS
1608 GARDENSIDE DRIVE
DALLAS, TEXAS 75217

4/1/75

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APPLICATION FOR ROSEMARY WILLIAMS

OPINIONS BELOW

The district court did not render an opinion. The opinion of the court of appeals is not yet reported but is attached hereto as Exhibit "A" and order overruling the motion for rehearing is attached hereto as Exhibit "B".

JURISDICTION

The judgment of the court of appeals was entered on April 1, 1975. A petition for rehearing was denied on May 2, 1975.

The jurisdiction of this court invoked under 28 U.S.C. 1292 (A.) (1.), 28 U.S.C. 1443 (Sex Discrimination), 14th Amendment of the United States Constitution.

QUESTIONS PRESENTED

1. Did the district court correctly dismiss the "Interlocutory Injunction" or "Permanent Injunction"?

2. Have the constitutional rights of the Appellants been violated?

3. Was this a case of "Due Process" of law to deny the Appellant her rights to be placed on the ballot as a candidate without a hearing?

STATEMENT

The Petitioner filed her "Interlocutory" Injunction October 21, 1974, before the November 5, 1974 general election and the said Respondent was served by the United States Marshall on October 22, 1974. The Petitioner was denied the right to be placed on the ballot and was denied a hearing on the injunction, before the General Election November 5, 1974. This said Respondent was under the injunction at the time of the election and did not obey the orders of the court, at the time of the election. The matter before the court involves "Interlocutory" Injunction 28 U.S.C. 1292 (A.) (1.).

The Constitutional Rights of the Petitioners were not protected by having a hearing, 14th Amendment "Due Process Law" requires.

PROVISION:

Confers upon citizens the right not to have that property right withdrawn, however briefly, or that liberty interest endangered, however slightly, without procedural safeguards, of a hearing.

"That to condemn without a hearing is repugnant to the "Due Process Clause of the 14th Amendment." Needs nothing but statements.

Riverside & Dan River Cotton Mills

vs.

Menefee

237 U.S. 189, 193

35 S. Ct. 579 (1915)

This is also a "State Statute" being repugnant to the Constitution of the United States, and laws of Congress.

ARGUMENT

The decision below is incorrect, there is conflict of decisions, an occasion for review. Under 28 U.S.C. 1292 (A.) (1.) the order is "Interlocutory" one "Refusing" an injunction within the meaning of the Judicial Code, 28 U.S.C. 1292 (A.) (1.).

Enelow *v.* New York Life Insurance Co.

293 U.S. 379,55 S. Ct. 310,79

L. Ed. 440.

This violates the Constitutional Rights of Petitioners 14th Amendment "Due Process of Law" to be heard.

An additional reason why the decision of the United States District Court should be reversed, the order is an "Interlocutory" one "Refusing" an injunction within the meaning of the Judicial Code, 28 U.S.C. 1292 (A.) (1.)

Also Petitioners Civil Rights were denied her 28 U.S.C. 1443, "Sex Discrimination".

CONCLUSION

The decision of the Fifth Circuit Court of Appeals affirming the judgment of the United States District Court for the Northern District of Texas is clearly incorrect.

An inspection of the records before the District Court and Circuit Court of Appeals will reveal that the Petitioners were not accorded all of the Constitutional guarantees given them by the Constitution of the United States.

There is in the application for writ of Certiorari that would show that the rights of the Petitioners were denied by the Respondent to deny a hearing of the reason the said Petitioner was not eligible to be a candidate for election of County Judge 14th Amendment "Due Process of Law" was denied the Petitioner by the Respondent. And therefore the application for writ of Certiorari should be granted. This was a "Interlocutory" injunction one "Refusing" an injunction. 28 U.S.C. 1292 (A.) (1.).

Respectfully submitted,

Rosemary Williams

ROSEMARY WILLIAMS PRO SE:
1608 Gardenside Drive
Dallas, Texas 75217

CERTIFICATE OF SERVICE

It is hereby certified that service of this application for Writ of Certiorari has been made on opposing counsel by mailing four copies thereof on this 22 day of May, 1975, in an envelope, with postage prepaid, properly addressed to them

as follows:

Earl Luna
1002 Dallas Federal Savings Bldg.
Dallas, Texas 75201

Thomas V. Murto, III
1002 Dallas Federal Savings Bldg.
Dallas, Texas 75201

By Rosemary Williams
Rosemary Williams

United States Court of Appeals

FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK

600 CAMP STREET
NEW ORLEANS, LA. 70130
TELEPHONE 504-589-6514

May 13, 1975

Ms. Rosemary Williams
1608 Gardenside Drive
Dallas, Texas 75217

No. 74-4151 - Rosemary Williams vs. County Judge Lew Sterrett

MANDATE STAYED TO AND INCLUDING June 12, 1975

Dear Sir:

The court has this day granted a stay of the issuance of the mandate to the date as shown above. If during the period of the stay there is filed with the clerk of this court a notice from the clerk of the Supreme Court that the party who has obtained the stay has filed a petition for the writ in that court, the stay shall continue until final disposition by the Supreme Court. Upon the filing of a copy of an order of the Supreme Court denying the petition for writ of certiorari, the mandate shall issue immediately under Rule 41, FRAP.

Under revised Rule 21(1) of the Supreme Court effective July 1, 1970, a record is no longer required in connection with an application for writ of certiorari, and therefore will not be routinely prepared by this office (38LW 3502).

A copy of the opinion, if any, judgment, or Rule 21 decision, and the denial of rehearing are still required by the Supreme Court to be incorporated as an appendix to your petition. Enclosed are copies of the said documents which have been entered in this cause.

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By Carol G. DeSages
Deputy Clerk

cc: Messrs. Earl Luna
Thomas V. Murto, III

BEST COPY AVAILABLE

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 74-4151*
Summary Calendar

DO NOT PUBLISH

Rosemary Williams,
Plaintiff-Appellant

versus

County Judge Lew Sterrett,
Defendant-Appellee

Appeal from the United States District Court for the Northern District of Texas

(April 1, 1975)

Before BROWN, Chief Judge, GODBOLD and GEE, Circuit Judges.

PER CURIAM: AFFIRMED. See Local Rule 21.(1)

Costs are taxed against the Plaintiff-Appellant.

*Rule 18, 5 Cir., Isbell Enterprises, Inc. v. Citizens Casualty Company of New York, et al., 5 Cir., 1970, 431 F.2d 409, Part I.

(1) See N.L.R.B. v. Amalgamated Clothing Workers of America, 5 Cir., 1970, 430 F.2d 966.

Issued As Mandate:

United States Court of Appeals
FIFTH CIRCUIT

EDWARD W. WADSWORTH
CLERK

OFFICE OF THE CLERK

600 CAMP STREET
NEW ORLEANS, LA. 70130

May 2, 1975

TO ALL COUNSEL OF RECORD

Re: 74-4151 - Rosemary Williams vs. County Judge Lew Sterrett

Dear Counsel:

This is to advise that an order has this day been entered denying the petition( ) for rehearing, and no member of the panel nor Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure; Local Fifth Circuit Rule 12) the petition( ) for rehearing en banc has also been denied.

See Rule 41, Federal Rules of Appellate Procedure for issuance and stay of the mandate.

Very truly yours,

EDWARD W. WADSWORTH
CLERK

By Barbara Krei
Deputy Clerk

cc: Ms. Rosemary Williams
Messrs. Earl Luna
Thomas V. Murto, III